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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/755,339	RAKIB ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tri H. Phan	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Amendment filed on 2/1/2005.
2.  The allowed claim(s) is/are 5-7, 28, 72, 74-82, and 84-106 (Now renumbered as 1-37).
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All   b)  Some\*   c)  None   of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>8/25/2006</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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## DETAILED ACTION

### *Response to Amendment/Arguments*

1. This Office Action is in response to the Response/Amendment filed on February 1<sup>st</sup>, 2005. Claims 1-4, 8-27, 29-71, 73 and 83 are now canceled. Claims 5-7, 28, 72, 74-82, and 84-106 are now pending in the application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Khaled Shami (Reg# 38,745) on August 25<sup>th</sup>, 2006.

The application has been amended as follows:

#### IN THE SPECIFICATION

At page 1, replace the first paragraph with the following paragraph:

-- This application is a continuation-in-part application of U.S. patent application Serial No. 08/684,243, filed July 19, 1996, invented by Shlomo Rakib and Yehuda Azenkot which was a continuation-in-part application of U.S. patent application Serial No. 08/588,650, filed January 19, 1996, invented by Shlomo Rakib and Yehuda Azenkot, which was a continuation-in-part application of U.S. patent application Serial No. 08/519,630, filed Aug. 25, 1995, invented by Shlomo Rakib and Yehuda Azenkot, now U.S. Patent No. 5,768,269, issued June 16, 1998, the contents of all of which are hereby incorporated by reference. This application is also a continuation-in-part application of a U.S. patent application entitled LOWER OVERHEAD METHOD FOR DATA TRANSMISSION USING ATM AND SCDMA OVER HYBRID

Art Unit: 2616

FIBER COAX CABLE PLANT, Serial No. 08/760,412, filed December 4, 1996, invented by Amir Fuhrmann, Shlomo Rakib and Yehuda Azenkot, now co-pending, the entirety of which is hereby incorporated by reference.--

IN THE CLAIMS!

The following changes to the claim(s) 5, 7, 72, 78, 80, 84, 87, 90-91, 97, and 101-106 has been approved by the examiner and agreed upon by applicant:

Claim 5

- line 7, -- and modulate -- has been inserted after "multiplex"
- lines 7-8, "using any form of multiplexing and any form of modulation" has been deleted.

Claim 7

- line 11, "any" before "upstream payload data" has been deleted.

Claim 72

- lines 7-8, "such that information as to" has been changed to -- so as to enable a determination of --.
- line 9, "can be determined" has been changed to -- to --.
- line 16, "any" before "modulation" has been changed to -- a --.

Claim 78

- line 6, "such that" has been changed to -- whereby --.
- line 10, the first word "to" has been deleted.

Claim 80

- line 1, "and" after "comprising" has been changed to -- an --.

Claim 84

- line 16, "or may not" has been deleted.

Claim 87

- line 2, "of any type" has been deleted.

Claim 90

- line 2, "any" before "downstream" has been changed to -- a --.
- line 4, "may be recovered" has been changed to -- is recoverable --.

Claim 91

- line 8, "can be used" has been changed to -- for use --.

Art Unit: 2616

Claim 97

- line 8, "can be recovered" has been changed to -- are recoverable --.
- line 20, "or may not" has been deleted.

Claim 101

- line 10, "such that" has been changed to -- whereby --.
- line 11, "any" before "particular" has been changed to -- a --.

Claim 102

- line 17, "any" before "allocation" has been changed to -- an --.

Claim 103

- line 3, "any" before "remote" has been deleted.
- line 5, "such that" has been changed to -- whereby --.

Claim 104

- line 8, "can be recovered" has been changed to -- is recoverable --.
- line 9, "any" before "modulation" has been changed to -- a --.
- line 10, "such that" has been changed to -- whereby --.

Claim 105

- line 9, "any" before "transmitter" has been deleted.
- line 28, "simultaneously" has been changed to -- simultaneously --.

Claim 106

- line 3, "any" before "scheme" has been changed to -- a --.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

**Any response to this action should be mailed to:**

Art Unit: 2616

**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan  
August 28, 2006



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
8/29/06